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January 23, 2017

By ECF

Catherine O'Hagan Wolfe, Clerk of the Court  
Second Circuit Court of Appeals  
40 Foley Square  
New York, NY 10007

***Re: United States v. Agron Hasbajrami,  
15-2684 (2d Cir.)***

Dear Ms. Wolfe:

I, along with Joshua L. Dratel and Steve Zissou, represent Defendant-Appellant Agron Hasbajrami in the above-referenced matter. I write to update this Court on the status of the instant appeal.

On February 25, 2016, this Court issued an order granting Appellant's motion to hold the case in abeyance pending the disclosure to Appellant's counsel of a classified opinion that relates to the instant appeal and that had been issued by the District Court, but not at the time disclosed to Appellant's counsel. Said classified opinion, issued by the Honorable John Gleeson shortly before he retired from the bench, has since been disclosed to the undersigned in redacted form. Upon information and belief, the redactions have been made available to the Government, but not to Appellant's counsel. As a result, we filed a motion in the District Court requesting a fully unredacted copy of Judge Gleeson's opinion. Since we have the requisite national security clearance to review the redactions in question (provided the District Court determines that we have a "need to know" the portions of the opinion in question), we have consented to receiving the unredacted brief subject to the requirements of the Classified Information Procedures Act, 18 U.S.C. Art. 3.

In light of Judge Gleeson's retirement from the bench, Appellant's motion was initially reassigned to the Honorable Margo K. Brodie, United States District Court Judge for the Eastern District of New York, and then reassigned again to the Honorable Dora L. Irizarry, Chief Judge of United States District Court for the Eastern District of New York. The motion has been fully briefed by all parties and remains *sub judice* before Chief Judge Irizarry.

I have just communicated with chambers and I have been informed that Chief Judge Irizarry is presently engaged in trial, but that she will be addressing our motion as soon as her trial is complete. Once Chief Judge Irizarry rules on our motion, we estimate that we will need

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approximately 30-45 days from that date to then update, finalize, and file Mr. Hasbajrami's Opening Brief on Appeal. We will write this Court again with a further status update in 90 days, or when Chief Judge Irizarry rules on our underlying motion, whichever is sooner.

Respectfully submitted,

/S/

Michael K. Bachrach  
*Attorney for Defendant-Appellant*  
*Agron Hasbajrami*

MKB/mb

cc: All parties of record (by ECF)